

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.* the )  
State Engineer, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
 )  
RAMON ARAGON et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

No. 69cv07941 BB-ACE  
Rio Chama Stream Adjudication  
Section 7: Tierra Amarilla, Rio Brazos,  
Rutheron and Plaza Blanca, Cañones Creek,  
Village of Chama

**UNOPPOSED MOTION TO FURTHER AMEND PROCEDURAL ORDER FILED ON  
NOVEMBER 19, 2002**

COMES NOW the Jicarilla Apache Nation, through its undersigned counsel, and moves the court to further amend the Procedural Order filed November 19, 2002 [Docket No. 6939].

1. The Special Master entered the Procedural Order for the adjudication of Water Rights Claims in Section 7 of the Rio Chama Stream System on November 19, 2002 [Docket No. 6939]. The Special Master subsequently amended that order to provide, in pertinent part, that the Nation's water rights claims for surface water use in connection with the Willow Creek Ranch shall not be included in the remaining hydrographic survey reports and instead shall be investigated separately beginning in May 2004. *See* Order Amending Procedural Order Filed November 19, 2002 (October 20, 2003, Docket No. 7272) (at 1-2 amending second paragraph of Paragraph I(A)). The Order further provided that "The State Engineer shall also make all reasonable efforts to prepare proposed consent orders either recognizing or rejecting those claims prior to July 15, 2004." *Id.* at 2.

2. The State Engineer and the Nation's Water Administrator arranged for a field inspection during the 2004 field work season, but due to a miscommunication, their staffs did not

meet on the appointed day. Consequently, the field work was not completed before winter weather precluded further field work in 2004 and the State did not proffer proposed consent orders on the Willow Creek claims.

3. Counsel for the Nation has conferred with counsel for the State about a schedule for these claims, and has been assured by counsel for the State that it is reasonable to anticipate that the State Engineer can complete field work and proposed consent orders for these claims prior to July 15, 2005. The State has also indicated that it concurs with that motion.

4. Accordingly, the Nation respectfully moves that the Special Master enter an Order further amending the Procedural Order filed November 19, 2002 to change "July 15, 2004 to July 15, 2005" in the sentence quoted above. A proposed order is submitted with this motion for this purpose.


Dated this 19<sup>th</sup> day of February 2005.

Respectfully submitted,

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By

  
\_\_\_\_\_  
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APACHE NATION

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	)	Village of Chama
RAMON ARAGON et al.,	)	
	)	
Defendants.	)	
<hr/>	)	

**[PROPOSED] ORDER FURTHER AMENDING PROCEDURAL ORDER FILED  
NOVEMBER 19, 2002**

This matter is before the Special Master on February 11, 2005 Unopposed Motion to Amend the Procedural Order Filed November 19, 2002 [Docket No. \_\_\_\_\_] filed by the Defendant Jicarilla Apache Nation. The Special Master, being fully advised, finds that the motion is well taken and should be GRANTED.

IT IS THEREFORE ORDERED, that the Procedural Order for the Adjudication of Water Rights Claims in Section 7 of the Rio Chama Stream System, filed November 19, 2002 [Docket No. 6939], and amended by the Order Amending Procedural Order Filed November 19, 2002 (filed October 20, 2002, Docket No. 7272) is further amended by striking "July 15, 2004" and inserting "July 15, 2005" in the fifth sentence of the second paragraph of paragraph I (A) so that it shall read

“The State Engineer shall also make reasonable efforts to prepare proposed consent orders either recognizing or rejecting those claims prior to July 15, 2005.”

**IT IS SO ORDERED**

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**SPECIAL MASTER VICKIE L. GABIN**

IN THE UNITED STATES DISTRICT COURT  
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STATE OF NEW MEXICO, *ex rel.* the  
State Engineer,

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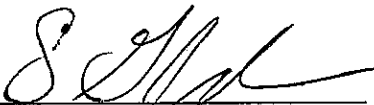
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) Rio Chama Stream Adjudication  
) Section 7: Tierra Amarilla, Rio Brazos,  
) Rutherford and Plaza Blanca, Cañones Creek,  
) Village of Chama  
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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the Unopposed Motion to Further Amend Procedural Order Filed November 19, 2002 and [Proposed] Order Further Amending Procedural Order Filed November 19, 2002 were mailed by U.S. First Class mail to the persons on the attached service list on February 19<sup>th</sup> 2005.

  
\_\_\_\_\_  
Susan G. Jordan

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